



November 29, 2022

EXPUNGEMENT PROCESS IN KANSAS AND NEIGHBORING STATES

This memorandum summarizes information on the expungement (or equivalent) processes in Colorado, Kansas, Missouri, Nebraska, and Oklahoma, as well as the financial burden on the person seeking expungement. It provides contextual information for the Joint Committee on Corrections and Juvenile Justice Oversight regarding Kansas’ expungement process.

Overall Process

The overall expungement processes for the five states are similar. After a waiting period that varies by offense and by state, an individual eligible for expungement must file a petition with the judge or court in which they were convicted. The judge has discretion over whether to grant expungement, and may consider factors such as other pending charges against the petitioner, their habits and conduct, or whether an expungement is in the best interest of the public.

Two of the five states significantly deviate from this process.

- In Nebraska, an individual asks for a conviction to be “set aside,” not expunged. When a conviction is set aside, the original conviction appears on a person’s criminal record in addition to the order to set aside, as opposed to an expungement in which the entire conviction is sealed from the record.
- Colorado’s “[Clean Slate](#)” law automatically seals old criminal records if a person is crime-free for a set amount of time that varies by offense type.

Accessibility by State

State	Explicit Instructions	Fillable Forms	Fee*	Fillable Fee Waiver Form on Website
Kansas KSA 22-2410	Yes	Yes	\$195**	Yes
Colorado C.R.S. 24-72-708 C.R.S. 24-72-703	Yes Municipal County and District	Yes Municipal County and District	Municipal – \$224 County and District – \$65	Yes
Nebraska NRS 29 2264	Yes	Yes	None	N/A

State	Explicit Instructions	Fillable Forms	Fee*	Fillable Fee Waiver Form on Website
Missouri 610.140, RSMo	No	Yes	\$250	Yes
Oklahoma 22 O.S. § 18	No	No	Court Record – None Arrest Record – \$150	No
<p>* The fee to file for juvenile expungement may differ from that for the adult expungement. ** 2019 SB 20 amended KSA 21-6614 to authorize the Supreme Court to add \$19 to the original \$176 to the fee from July 1, 2019, to June 30, 2025.</p>				

Kansas

Kansas’ Judicial Council website has everything an individual needs to file for an expungement, as well as [step by step directions](#). There are [templates](#) for every petition and order necessary to request expungement. It costs \$176 [to file the petition](#), however the Supreme Court was granted the authority in 2019 SB20 to add no more than \$19 per docket fee to fund the cost of non-judicial personnel. A “[Poverty Affidavit](#)” template is on the website as well.

Colorado

Colorado also has directions available on websites, with separate processes for [municipal convictions](#) and [county and district convictions](#). There are fillable forms for both processes. The fee to file is [\\$224 for municipal](#) convictions and [\\$65 for county and district](#) convictions. A “[Motion to Waive Fees](#)” is linked in the directions.

Nebraska

The Nebraska Judicial Branch’s website has [explicit directions](#) for filing a petition to set aside a criminal conviction and advises petitioners to follow up with the specific county or district court they are working with, as the local process may be different. The [fillable forms](#) provided are applicable to all counties. No filing fee is associated with this process.

Missouri

Missouri does not provide instructions on its expungement process on its [website](#), but does have [fill in the blank forms](#) on its criminal forms webpage. There is a [\\$250 surcharge](#) to file the petition, and a “[Motion and Affidavit in Support of Request to Proceed as a Poor Person](#)” is available on the criminal forms webpage.

Oklahoma

Oklahoma is the only state within this survey with neither publicly available directions to file a petition for expungement nor fill-in-the-blank forms. A question and answer page on Oklahoma State Bureau of Investigation’s [website](#) answers basic questions about expungements and encourages an individual to get a lawyer. There is no fee to file a petition to expunge a court record in Oklahoma, and [\\$150 to file](#) to expunge an arrest record.